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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,625	11/20/2001	Donald S. Jackson	8350.0534-00	8787

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Washington, DC 20005-3315

EXAMINER

BANNAPRADIST, LISA M

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,625

Applicant(s)

JACKSON, DONALD S.

Examiner

Lisa Bannapradist

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening of the housing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter to which the applicant regards as his invention.

3. **Claim 8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "at a location where both the first and second seals are disposed between the at least one chamber and the third seal" in line 4 is vague because the third seal cannot be in a location defined by itself.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-  
a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. **Claims 1, 5-9 and 13-16** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. 6,290,235 to Albertson.

In response to **claims 1 and 5-6**: Albertson discloses a seal for a hydraulic cylinder rod (26) comprising a main body (140 in Fig. 6) defining an opening and including an inner surface (against 26), outer surface (against 14), first radial face (150), second radial face (at 168), groove (164), inner lip (154), outer lip (156) and relief feature (172) as claimed. There is a plurality of relief features (180) and the main body is circularly shaped.

In response to **claims 7-9 and 13-16**: Albertson further discloses a housing (14) defining at least one chamber (22, 24) configured to hold a pressurized fluid and a cylinder rod (26) having a surface (28) disposed for sliding movement. A second seal (40) and third seal (142) are positioned as claimed wherein the second seal is a buffer seal and the third seal is a wiper seal. A first annular groove (202b), second annular groove (202a) and third annular groove (202c) are configured within the housing. There is a plurality of relief features (180) and the main body is circularly shaped.

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Ciaims 2-4 and 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Albertson as applied to all claims above in view of U.S. 6,439,578 to Radcliffe.

**Albertson** clearly discloses applicant's invention including a channel (182 in Fig. 7), and second channel (184 in Fig. 7) but lacks the recess as claimed.

**Radcliffe** teaches a seal having a main body (4) and a channel extending to a circularly shaped recess (14) for the purpose of ensuring the pressure relief of the main body at the outset even in the run-in state in a simple way (col. 2, line 19). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Albertson's invention with circular recesses similar to Radcliffe's in order to ensure the pressure relief of the main body at the outset even in the run-in state in a simple way.

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. 4,284,280 to Bertram et al., U.S. 5,127,661 to Franson et al., U.S. 5,169,162 to Azami et al., U.S. 5,328,178 to Nies, U.S. 5,524,904 to Willi et al., U.S. 6,113,108 to Friend et al., U.S. 6,129,358 to Kiesel et al., and U.S. 6,205,908 to Kumai et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Bannapradist whose telephone number is 703-305-4806. The examiner can normally be reached on Mon-Thurs and every other Friday from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

lb  
October 31, 2002

*L. Bannapradist*  
Lisa Bannapradist  
Primary Examiner